

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DATE FILED: 7/7/11

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EMMET & CO., INC., :

Plaintiff, : 11 Civ. 3272 (RMB) (AJP)

-against- : **RULE 16 IPTC SCHEDULING ORDER**

CATHOLIC HEALTH EAST & THE BANK OF
NEW YORK MELLON CORPORATION, :

Defendants. :

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ANDREW J. PECK, United States Magistrate Judge:

Based on the Initial Pretrial Conference pursuant to Rule 16, Fed. R. Civ. P., held on July 7, 2011 before Magistrate Judge Andrew J. Peck, IT IS HEREBY ORDERED THAT:

1. Plaintiff is to amend the complaint by July 28, 2011 and serve all defendants by August 12, 2011.
2. All fact and expert discovery must be completed by November 14, 2011.
3. Each party will notify this Court (and the District Judge) by November 16, 2011 as to whether it intends to move for summary judgment and, if required by the District Judge's chamber rules, request a pre-motion conference. Assuming pre-motion clearance has been obtained from the District Judge where required, summary judgment motions must be filed by December 2, 2011 if no date was set by the District Judge or, if a date was set by the District Judge, in accordance with the schedule set by the District Judge, and must comply with the Federal Rules of Civil

Procedure, the Local Rules of this Court, and the chamber rules of the District Judge to whom this case is assigned (including any pre-motion conference requirements of the District Judge).

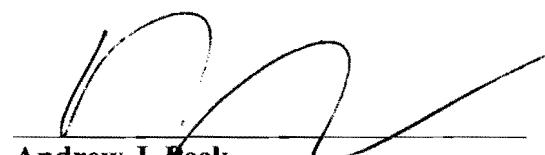
4. The parties are to submit a joint proposed pretrial order, in conformance with the Federal Rules of Civil Procedure, the Local Rules of this Court, and the chamber rules of the District Judge to whom this case is assigned, by December 2, 2011 if neither party is moving for summary judgment, or 30 days after decision on the summary judgment motion. The case will be considered trial ready on 24-hours notice after the pretrial order has been submitted.

5. Counsel will contact the Court if there are any issues or disputes. Counsel will advise the Court by August 19, 2011 whether there will be "early" motion practice (to dismiss or for summary judgment), and if so, a proposed schedule for such motion(s), subject to my and Judge Berman's approval.

6. The parties are directed to follow the "Individual Practices of Magistrate Judge Andrew J. Peck," a copy of which was previously provided.

SO ORDERED.

DATED: New York, New York
July 7, 2011



Andrew J. Peck
United States Magistrate Judge

Copies by ECF to: All Counsel
Judge Richard M. Berman